

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

23544

FILE: B-209461**DATE:** November 8, 1982**MATTER OF:** Adak Corporation**DIGEST:**

The qualifications and capability of a firm's personnel to perform a contract involve that firm's responsibility. A negative determination of a small business firm's responsibility must be referred to the Small Business Administration, which will conclusively resolve the matter by issuing or refusing to issue a certificate of competency.

By mailgram dated October 6, 1982, Adak Corporation protests the rejection of its low bid under solicitation No. F04604-82-B-0022, a total small business set-aside. Castle Air Force Base, California, issued the invitation for non-tactical intra-base radio maintenance on June 8, 1982. We dismiss the protest.

The protest is based upon the fact that the contracting officer rejected Adak's bid because he believed the personnel resumes submitted by Adak did not reflect the experience requirements set forth in the solicitation.

A contracting officer's determination that a bidder's personnel lack the qualifications to adequately perform a contract is properly a question of that bidder's responsibility. See HKP Services, Inc., B-186683, November 15, 1976, 76-2 CPD 410. Since Adak Corporation is a small business, the contracting officer must refer the question of Adak's responsibility to the Small Business Administration for possible issuance of a certificate of competency (COC) pursuant to Defense Acquisition Regulation § 1-705.4 (DAC 76-24, August 28, 1980). The SBA has conclusive authority to determine a small business firm's responsibility by issuing or refusing to issue a certificate. 15 U.S.C. § 637(b)(7)(A) (Supp. IV 1980). Our Office will not question the SBA's actions in this respect unless there is a showing either of fraud or bad faith on the

023881

part of Government officials or that SBA did not consider certain initial information bearing on the small business firm's compliance with definitive responsibility criteria. Diesel Energy Systems Co., B-203781, July 8, 1981, 81-2 CPD 24..

Under the facts presented, if SBA issues a COC, Adak will receive the award. On the other hand, if SBA refuses to issue a COC, our Office will not review its determination, since neither of the exceptions outlined above is present here.

We therefore dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel